United Nations A/59/320

General Assembly

Distr.: General
1 September 2004
English
Original: Arabic/English/Russian/
Spanish

Fifty-ninth session
Item 107 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The Secretary-General submits the present report in compliance with General Assembly resolution 58/193. In that resolution, the Assembly requested the Secretary-General to seek further the views of Member States and relevant United Nations agencies on globalization and its impact on the full enjoyment of all human rights, and to submit a substantive report thereon to the Assembly at its fifty-ninth session.

The report summarizes replies received in response to a request for information sent pursuant to the aforementioned resolution. Responses were received from the Governments of Azerbaijan, Chile, Costa Rica, Cuba, Finland, Italy and the Syrian Arab Republic.

* A/59/150.

04-49392 (E) 290904

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I. Introduction

1. In its resolution 58/193 of 22 December 2003, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/58/257) and requested the Secretary-General to seek further the views of Member States and relevant United Nations agencies and to submit a substantive report on this subject to the Assembly at its fifty-ninth session.

2. Pursuant to that request, on 27 April 2004, the Office of the United Nations High Commissioner for Human Rights sent a request for views on this issue. As of 13 August 2004, the Office has received responses from the Governments of Azerbaijan, Chile, Costa Rica, Cuba, Finland, Italy and the Syrian Arab Republic. Those replies are summarized as follows. The full texts of the replies are available with the Secretariat for consultation.

II. Replies received from Governments

Azerbaijan

[Original: Russian]

1. The Government of Azerbaijan focuses its response on the question of poverty reduction and economic development in Azerbaijan. Azerbaijan notes that it had suffered political and economic crises in the late 1980s and early 1990s, during which time the gross domestic product dropped each year and the process of hyperinflation accelerated. Economic reforms started in 1994. In February 2003, the head of State approved a State Programme for Poverty Reduction and Economic Development with the aim of ensuring steady economic growth. The programme contained six strategic objectives: boosting macroeconomic stability; broadening income-generating opportunities; improving the quality of education, health and other social services and facilitating access to them; developing infrastructure; enhancing social welfare for vulnerable groups; and improving living conditions for refugees and displaced persons.

2. In this context, gross domestic product grew by 11.2 per cent in 2003, inflation fell to 2.2 per cent and over $17.5 billion was invested in Azerbaijan up to the end of 2003. Importantly, the economic reforms made possible a marked improvement in the standard of living as a result of increases in the average monthly wage. To further reforms, particularly in regional areas, the President approved a State Programme for the Socio-economic Development of the Regions for 2004-2008. The main aim of the programme is the creation of 600,000 new jobs through the development of the non-oil sector.

3. Azerbaijan notes some specific reforms relevant to the social sector, including: reform of the energy sector; preparation for reform of the gas, heat, water and sewerage networks; reform of the education and health system; consolidation of the pension system through the introduction of legislative and regulatory measures; the rehabilitation of housing centres for the disabled and families of war victims; the creation of new settlements for refugees and displaced persons; and the introduction of plans to come to terms with the unemployment problem of refugees.

4. Azerbaijan also notes areas of reform in the business, banking, finance and investment sectors, including: the establishment of a Council of Entrepreneurs to remove obstacles to business activity; the provision of extrafinancial resources to entrepreneurs; the encouragement of banking in regional areas; the channelling of financial credit to fund regional projects, which has led to the creation of 8,000 jobs in 2003-2004; and the privatization of State enterprises, including State banks.

5. Azerbaijan notes that the successful implementation of the measures set out in the programme calls for regular monitoring. To this end, a new unit within the secretariat of the programme — the Poverty Monitoring Unit — was set up in February 2003, with the help of technical assistance provided by the United Nations Development Programme. As a result of the implementation of some of the measures under the programme, the poverty level in the country fell slightly to 44.7 per cent in 2003 (as compared to 61 per cent in 1996).

6. In the coming years, in order to raise the standard of living of the population, steps will be taken for the strengthening of macroeconomic stability; the allocation of oil revenues for the development of the non-oil sector through effective and transparent management; acceleration of the socio-economic development of the regions; expansion of the private sector; and improvement of the volume and quality of social services.

7. Nonetheless, there are still important inequalities in income between various people and population groups. For example, in 1999, the World Bank found that the Gini coefficient in Azerbaijan stood at 0.44, although it should be pointed out that initial results for 2002 indicated a drop in the coefficient to 0.271, reflecting more equal distribution than in previous years.

Chile

[Original: Spanish]

1. The Government of Chile notes the increasing importance of human rights in public policy debates as an ethical framework for economic and social policies and for the construction of more democratic, egalitarian and socially integrated societies. Considering human rights not only as an objective of public policies but also as relevant to the way those policies are formulated has led to the introduction of a new way to view development — namely, a rights-based approach to development. The present resolution (58/193) extends this framework to the context of globalization.

2. The adoption of a rights-based approach to the design, execution and monitoring of economic and social policies implies the need to analyse public programmes and social services, in an attempt to determine the extent to which they create and consolidate capacities and opportunities for individuals to improve their lives and to influence the decisions that affect them. Paragraph 3 of the present resolution envisages such an approach.

3. In relation to paragraph 6 of the present resolution, it is relevant to note that from 1990 onwards, the Governments of the Concertación de Partidos por la Democracia adopted a development strategy, the principal objectives of which sought to improve the quality of life for the population, particularly through the reduction of poverty, discrimination and exclusion. In contradistinction to what

happened in the 1980s, this strategy has affirmed the active responsibility of the State with regard to social development so that social challenges are not resolved solely by the market and through short-term remedies. At the same time, the strategy has affirmed that public social action is an important instrument to develop the human capital necessary for modernization and economic growth.

4. In the context of globalization, achieving sustainable economic growth requires substantial improvements in productivity and international competitiveness. For this reason, the strategy adopted by the Concertación de Partidos por la Democracia has proposed, as the most efficient means of improving economic competitiveness, the creation of macroeconomic stability, integration into the world economy, an increase in investment in physical capital as well as the strengthening of the quality of human resources.

5. Apart from the relevant financial and economic policies introduced to meet these objectives, Chile has also introduced some specific and complementary social programmes, as follows:

(a) Education reform — 12 years of compulsory education for all, intercultural education, incorporation and strengthening of information technology in education;

(b) Health reform — introduction of a rights-based approach, auto-management of hospitals;

(c) Justice reform — penal reform, parliamentary discussion of the introduction of family courts, strengthening of workers' rights tribunals;

(d) Labour reform — unemployment insurance, study of flexible labour contracts, reform of training systems;

(e) Housing reform — focus of public resources on the poorest individuals, public-private finance partnerships, automatic savings deductions, private credit and public subsidies;

(f) Incorporation of the private sector in social investment — commitment to invest in private entities, investment for public works;

(g) Focus of resources on the poor — among other projects, Chile highlights the Sistema de Protección Social Chile Solidario, the Programa Pobreza Urbana, the Programa Chile Barrio and the Programa Orígenes.

6. In relation to paragraphs 2, 3 and 6 of the present resolution, Chile notes that the standard of living is satisfactory in a number of ways. In general, essential social service coverage places Chile among those countries considered as having a transitional level of development, with a higher standard of living than poor countries but still falling behind developed countries. Chile, although relatively small, is a country that creates wealth, particularly through the exportation of primary materials.

7. In spite of this, figures concerning income distribution indicate the existence of inequities, particularly in relation to the persistence of poverty, which, although reduced to below 20 per cent of the population, still indicates slower rates of reduction for indigent people. Significantly, while the level of poverty among the non-indigent population diminished by 2.5 per cent between 1996 and 2000, the

level among the indigent population diminished by only 0.1 per cent over the same period.

8. According to Chile, such a situation does not sit well with its economic and institutional position in the world and does not correspond to the measures that the Government has developed to protect the extremely poor. In light of this, the Government of Chile has, since 2002, started to design, introduce and develop an integrated system of social protection for the poorest families in the country — the Programa Chile Solidario. This programme combines assistance and promotion to combat extreme poverty with measures to attain sustainable and equitable economic growth.

9. Chile also notes that its Indigenous Policy (2004-2006) corresponds to the terms of paragraph 10 of the present resolution, which encourages the international community to respond to globalization in a manner that respects cultural diversity. The Programme seeks to achieve three objectives over the next two years as follows:

(a) The improvement of the level of recognition of the human rights of indigenous peoples;

(b) The strengthening of development strategies;

(c) The adjustment of public institutions to take into account the cultural diversity of the country.

Costa Rica

[Original: Spanish]

1. According to the Government of Costa Rica, although globalization was initially considered as an economic process, it is now recognized that globalization also includes social, political, environmental, cultural and legal dimensions that have repercussions for the full enjoyment of human rights. Costa Rica believes that the international community must confront the difficulties posed by globalization and take advantage of its opportunities in a manner that respects cultural diversity.

2. Costa Rica has adopted a range of measures to promote and protect human rights in the context of globalization, principally in the areas of human rights protection, the right to equitable development and the right to sustainable development.

3. Firstly, in the context of human rights protection and globalization, Costa Rica has actively promoted human rights in various forums linked to the Summit of the Americas. For example, in 1994, at the Summit meeting in Miami, United States of America, leaders encouraged the review and strengthening of laws related to the protection of minorities, the improvement of prison conditions and the consolidation of freedom of expression as a fundamental human right of all. At the Summit meeting in Santiago in 1998, heads of State and Government went beyond the decisions taken at Miami and included new mandates, inter alia, the improvement of human rights education for law enforcement officials and the reduction in the number of people awaiting trial. Later, at the Summit meeting held in Quebec City, Canada, leaders discussed the fight against genocide, crimes against humanity and crimes of war within the framework of human rights and urged Member States at the

Summit to recognize the importance of the Regional Conference of the Americas against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had taken place in Santiago in 2000.

4. Secondly, in relation to the right to equitable development, the most recent Summit meeting in Monterrey, Mexico, sought to facilitate hemispheric cooperation as a means of combating the economic, social and political challenges of the region raised by globalization. The Summit discussed three main themes — equitable economic growth; social development; and democratic governance — which are relevant to the right to equitable development.

5. The Government of Costa Rica considers equitable economic growth as a key issue. Equitable economic growth includes four themes — financing for development, a favourable economic environment and the improvement of social mobility and stability. In relation to financing for development, Costa Rica emphasizes that conditions attached to finance should be appropriate to the countries in the hemisphere. The Summit also recognized that debt constituted a significant obstacle to investment in many countries of the hemisphere.

6. With regard to establishing a favourable economic environment, Governments at the Santiago Summit adopted several measures in relation to micro, small and medium-scale enterprises. For example, Governments agreed to ensure that the 50 million micro, small and medium-scale enterprises of the region should have access to adequate financial services and should be able to register, obtain licences and meet labour standards in a more efficient manner. Furthermore, at the Quebec Summit, Governments, reiterating the importance of the measures adopted in Santiago, agreed on the importance of creating a positive environment for small and medium enterprises. For instance, Governments agreed on improving market access to youth, individual enterprises and enterprises constituted by women, people with disabilities, indigenous peoples and rural people. In Monterrey, the President of Costa Rica stated his conviction that Latin America had to recognize more clearly the role of business in creating conditions for development, employment growth and the improvement of the economies of the region. For decades, Costa Rica has systematically promoted a policy focused on the improvement of the best possible human development and reduction in poverty, while at the same time promoting private sector initiatives aimed at social development. This policy has helped improve economic growth and improvements in trade so that, in 2003, Costa Rica was the country with the second highest level of growth in the region of Latin America and the Caribbean.

7. In relation to the improvement in social stability and mobility, heads of State and Government at the Summit meeting in Santiago sought to simplify and decentralize the registration procedures for property registers and sought the technical and financial assistance of the World Bank and the Inter-American Development Bank to support the initiative. The Organization of American States, together with the United States Agency for International Development, created a web site to assist the initiative. The Summit meeting in Quebec reaffirmed and strengthened this initiative. Furthermore, the Plan of Action of the Quebec Summit called on different institutions to investigate the impact of policies and economic processes on women and men, on rural and urban populations, on indigenous and non-indigenous peoples as well as on the informal and voluntary sectors.

8. Thirdly, with regard to the right to sustainable development, Costa Rica notes that the concept of sustainable development alludes to social progress, economic prosperity and the adequate management of the environment — an issue considered at the first Summit meeting in Miami. This theme has a significant impact on the world agenda and has an important role to play in the context of globalization. According to the Government of Costa Rica, sustainable development has two principal features. First, sustainable development must be durable over time. Second, sustainable development implies integrated development in that it includes all spheres of development relevant to the human being — political, economic, social and environmental. It is in the context of this interpretation of sustainable development that Costa Rica has participated at the regional level and at the international level in the Commission on Human Rights with its sponsorship of the resolution on human rights and the environment. The Government of Costa Rica refers also to a range of regional initiatives concerning sustainable development leading to the Third Summit of the Americas in 2001 which, among other things, emphasized the importance of the negotiation and adoption of Multilateral Environmental Agreements. That Summit also promoted the active use of inter-American institutions, such as the Organization of American States and the Panamerican Health Organization, to implement the sustainable development agenda.

9. Finally, Costa Rica recommends that, in order to minimize the negative effects of globalization on the enjoyment of human rights, measures should be adopted in the following key areas: the promotion and protection of human rights; the strengthening of the protection of minority groups; the remedying of inhumane conditions in prisons; and the establishment of the freedom of expression as a fundamental right for all.

Cuba

[Original: Spanish]

1. The Government of Cuba underlines the important role of the international community, through the United Nations as the most representative and universal forum, to ensure the equal enjoyment for all of the potential benefits of globalization. For Cuba, globalization is an objective process, based in historical development and technology — in particular transport, communication and information technology — that has profound repercussions for all spheres of economic, political, social and cultural life. The phenomenon of globalization is typified by increasing world interdependence, where acts in one part of the world have consequences for people living in other countries, which goes to underline the importance of the intrinsic right of all to participate in the management and administration of processes that have global repercussions.

2. Essential questions in relation to globalization include: are neoliberal theories capable of promoting and protecting all human rights of all people throughout the world? Can these theories respond to the current problems facing the realization of the right to development for all developing countries? Can these theories find an effective solution to the environmental and social debt problems facing the planet? The answer is no.

3. One of the central problems in relation to globalization has been the fact that, over recent decades, transnational rings of political, economic and information power, whose cartels of power are situated in developed countries, have spread liberalization and deregulation theories throughout the world as a universal solution. However, "liberalization" is a fallacy. While developed countries and the multilateral trade and financial institutions controlled by those countries seek to deregulate markets and eliminate subsidies in developing countries, the countries of the Organization for Economic Cooperation and Development (OECD) maintain a range of barriers to market access, migration and transfer of technology to and from developing countries.

4. For example, the European Union and Japan continue to provide increasingly higher levels of agricultural subsidies. Protectionism and production methods in OECD countries are reducing incentives in other regions, distorting trade and worsening inequalities, affecting in turn consumer patterns and food security, lowering international prices for primary materials and limiting opportunities of growth for poor countries. Similarly, neoliberal theories have not led to a multiplication of economic actors but rather to a concentration of property in the hands of transnational corporations against which small producers and corporations in developing countries cannot compete.

5. In fact, in spite of the improvements in global indices over the past 50 years in developed countries and in some developing countries, the reality is that growth is unequal both within nations and between nations. For example, while over the last 50 years, the consumption of water has tripled, the consumption of fossil fuels has increased fivefold, the consumption of meat has increased by 550 per cent, carbon dioxide emissions have grown by 400 per cent and world trade has increased by 1,568 per cent, only 28 per cent of the world's population (1.728 billion people) can be considered real consumers, half of whom live in developed countries. If the consumption patterns of these people were to extend to the world's population, the resulting stress on water consumption, energy, resources, loss of biodiversity, deforestation, pollution and climate change would be unsustainable.

6. Similarly, in almost all parts of the world, globalization has reduced the role of the State and its economic and financial capacity to realize the right to development and to maintain, offer and guarantee basic public services in education, health and social security, particularly as a result of privatization. In particular, the centres of power seek arbitrarily to impose liberal democracy formulas as a means of creating internal divisions in countries so as to facilitate external domination. Similarly, these centres of power in the North seek to impose their interpretation of human rights on other countries, over emphasizing the role of civil and political rights. However, experience shows that liberal democracy demonstrates its incapacity to meet the needs and political aspirations of many people in developed countries, with multiparty democracy being reduced to bi-party and even single party democracy in reality.

7. Furthermore, neoliberal globalization is contributing to the expansion of vice and crime, including: drug trafficking, prostitution and pornography; migrant trafficking; ill-treatment of women and children; paedophilia; and, racism, racial discrimination, xenophobia and related intolerance. In this context, the rise of right-wing parties, based on programmes of xenophobia and anti-immigration, is worrying.

8. As a result, the right of every person to the establishment of an international and social order in which all human rights and freedoms can be fully enjoyed has not only not yet been reached but is also becoming more and more unattainable. In particular, free trade agreements, such as those adopted within the framework of the World Trade Organization, favour developed countries and perpetuate and deepen inequalities between these countries and developing countries.

9. International cooperation and an international order suitable to the realization of all human rights should become urgent priorities for the international community, particularly for those that have benefited most until now. The principal reason behind the problems raised by the current period of globalization is the absence of real political will of developed countries to meet international commitments and to change the current rules of the game. Cuba is convinced that the existence of real political will in developed countries could, with relatively few resources in comparison to what these countries spend annually on armaments, on warfare, on commercial advertising and on financial mega-projects, do much for the right to life and the right to development of millions of people. For example, with less than $10 billion a year, equivalent to 0.004 per cent of the gross domestic product of OECD countries, it is possible to ensure primary education for 1.5 billion illiterate children.

10. Cuba agrees with the increasing political and social commentators who are criticizing the current neoliberal order. Another world is not only possible, it is essential. Current projects put in place by developed countries and international organs to confront development challenges aggravated by neoliberal globalization are only palliatives that do not resolve the grave problems of inequality existing in the modern world. In fact, deep, integrated, innovative and simultaneous means — such as the cancellation of external debt — are needed. Similarly, overseas development assistance should be tripled, at least, and should not be subject to conditions or subordinated to the economic and political interests of donor countries. Furthermore, preferential trade agreements and formulas to compensate for increasing inequality should be implemented. The international financial institutions should be restructured and the United Nations should be democratized so that it is really effective. A development fund should be created, made up of 0.1 per cent of international financial transactions, which could be administered by the United Nations for programmes for the most needy. Finally, military expenditure should be reduced by 50 per cent, which should generate $400 billion that could be channelled towards sustainable development.

Finland

[Original: English]

1. According to the Finnish Government, the report of the Minister for Foreign Affairs to the Foreign Affairs Committee in 2000 addressed and analysed globalization from a human rights perspective and the Finnish Government took steps to mainstream a human rights perspective in the Finnish White Paper on the management of globalization published in 2001. The Government is giving increasing attention to the question of globalization by preparing follow-up reports to the human rights policy report and the White Paper on the management of globalization of 2003-2004.

2. The Government of Finland stresses the great importance of an active and innovative human rights policy as an integral part of its foreign and security policy. In particular, Finland highlights the interdependence and interrelatedness of all human rights as part of its human rights policy, noting that it is virtually impossible to draw distinctions between civil and political rights and economic, social and cultural rights. Importantly, economic, social and cultural rights have gained special significance in the context of globalization as a result of their great potential to add a human rights framework to economically motivated activity. In this context, Finland supports the work of the open-ended working group established by the Commission on Human Rights to elaborate an optional protocol to the International Covenant on Economic, Social and Cultural Rights as a means of improving the legally binding nature of these rights and further clarifying their content.

3. Finland considers globalization to be predominantly an inevitable and positive development that creates new possibilities. Among positive elements, consumers are increasingly concerned that the goods they purchase are produced by enterprises respecting sound ethical norms. As a result, Finnish companies continue to discuss corporate social responsibility, including in the area of human rights. However, not everyone has access to these advantages and globalization also involves considerable risks. In particular, the rights of women, children, the disabled, minorities and indigenous peoples are most at risk.

4. Finland finds the human rights perspective to be particularly relevant in the context of poverty alleviation, which is a major concern of the international community, and it is fully committed to the implementation of the United Nations Millennium Development Goals. In this context, Finland considers the rule of law, transparency and good governance as key requirements in any solid human rights culture and as comparative economic advantages. In particular, Finland considers it is important to research both the positive and negative impacts of globalization and recognizes that one of the key democratic challenges resulting from globalization is the need to give individual citizens a real role as a political force in the globalization process.

5. In December 2002, Finland organized the Helsinki Conference, bringing together over 150 representatives of Governments, civil societies, private enterprises, international organizations and academic experts from both developed and developing countries to discuss globalization and democracy with the aim of establishing new global partnerships that could lead to lasting positive results of globalization on the basis of equality and inclusiveness. Finland is currently preparing to establish a working group to facilitate follow-up to the Conference. Finland has also co-chaired the World Commission on the Social Dimension of Globalization of the International Labour Organization.

6. Finally, Finland notes that positive developments, inter alia, new opportunities for travel, have sometimes had controversial effects, such as trafficking in women and children, which is a major human rights concern. The protection of the human rights of victims as well as efforts aimed at their rehabilitation are of primary importance.

Italy

[Original: English]

1. The Government of Italy reports that in the context of globalization, Italy is committed to the fight against extreme poverty and to the promotion of the advancement of the right to development.

2. Italy has taken a number of steps to further this objective. In the area of debt relief, Italy has signed 24 agreements within the framework of the reinforced Highly Indebted Poor Country Initiative, 16 of which concerned "interim debt relief". In this regard, Italy has adopted Law No. 209/2000, entitled "Measures for the reduction of the foreign debt of least developed countries". In international and European forums, Italy continues to draw attention to the needs of developing countries and to this end pledged €1 million in August 2003 to the Doha Development Agenda Global Trust Fund. Italy, together with the European Union, has promoted in the General Assembly the basic needs of low-income countries by giving primary consideration to the right to food, the right to health and the right to education.

3. Italy is also undergoing an extended reform, since 1996, of its development cooperation programme. The reform concerns, among other things: the launch of a $120 million programme for poverty reduction; the mainstreaming of poverty reduction in Italian aid programmes; the launch of country strategy programmes in partnership with recipient countries; and the establishment of field offices in 20 countries. Italy believes good governance and the rule of law play an essential role and Italy's assistance with regard to human rights promotes the strengthening of good governance.

4. Italy seeks to provide effective, poverty-reducing, partnership-driven development cooperation programmes in countries of the Mediterranean, south-east Europe, the Horn of Africa and southern Africa, among other regions. Such programmes include contributions for humanitarian disaster relief and the provision of support for Governments in transition. Italy is fully involved in implementing the Genoa Plan for Africa, adopted at the Genoa G-8 Summit in July 2001. Multilaterally, Italy supports several United Nations agencies, particularly the Food and Agriculture Organization of the United Nations, to which it increased its contribution from zero in 1980 to $490 million in 1997. Programmes cover a range of areas from livestock production and animal health to forestry, fisheries and crop production, from Africa to Latin America and Asia.

Syrian Arab Republic

[Original: Arabic]

1. The response of the Government of the Syrian Arab Republic sets out a series of constitutional measures protecting human rights. Article 25 of the Constitution stipulates that freedom is a sacred right. Article 25 also ensures the primacy of law as a fundamental principle of society and the State and guarantees equality before the law and equal opportunity for citizens. Article 26 ensures everyone has the right to participate in political, economic, social and cultural life, as regulated by law. Article 27 requires that rights and freedoms should be exercised in accordance with

the law. Article 13 stipulates that the State economy is a socialist economy that seeks to eliminate all forms of exploitation. Article 36 guarantees that work is the right and duty of every citizen and that the State undertakes to provide work for everyone.

2. The Government of the Syrian Arab Republic sets out international treaties that have been ratified or acceded to as follows: the Convention on the Rights of the Child; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Establishment of the Arab Women's Organization; the Syrian Commission for Family Affairs; the two optional protocols to the Convention on the Rights of the Child; the Forced Labour Convention, 1930 (No. 29); the Freedom of Association and Protocol to the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labour Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No.182).

United Nations A/59/321

General Assembly

Distr.: General
1 September 2004
English
Original: Arabic/English/French/
Russian/Spanish

Fifty-ninth session
Item 143 of the provisional agenda*
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 11 of General Assembly resolution 57/14 of 19 November 2002. Eighteen Member States and the International Committee of the Red Cross transmitted to the Secretary-General the information requested by the General Assembly in its resolution 57/14. A list of States parties to the Additional Protocols of 1977 is contained in the annex.

* A/59/150.

04-49902 (E) 280904

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I. Introduction

1. On 19 November 2002, the General Assembly adopted resolution 57/14, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 11 of the resolution, the Assembly requested the Secretary-General to submit to it at its fifty-ninth session a report on the status of the two Additional Protocols of 1977 based on information received from Member States and the International Committee of the Red Cross.

2. Pursuant to that request, the Secretary-General, by notes verbales, dated 23 January 2003 and 23 January 2004 and letters dated 10 January 2003 and 14 January 2004 invited, respectively, Member States and the International Committee of the Red Cross (ICRC) to transmit to him by 30 June 2004 the information requested in paragraph 11 of General Assembly resolution 57/14 for inclusion in the report.

3. Replies have been received from Belarus, Brunei Darussalam, Canada, Costa Rica, Croatia, Finland, Germany, Japan, Kyrgyzstan, Lao People's Democratic Republic, Namibia, Paraguay, Portugal, Republic of Korea, Senegal, Sweden, Tunisia and the United Kingdom of Great Britain and Northern Ireland. A reply has also been received from the International Committee of the Red Cross. Extracts of the replies are contained in sections II and III of the present report.[1] The full texts of the replies are available for review in the Codification Division of the Office of Legal Affairs of the Secretariat.

4. The list of all States that are parties to the Protocols[2] Additional to the Geneva Conventions of 1949,[3] as at 2 June 2004, as communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols, is contained in the annex to the present report.

II. Information received from Member States

Belarus

[Original: Russian]
[16 June 2004]

1. The Agreement on Priority Measures to Protect Victims of Armed Conflicts, adopted by the Commonwealth of Independent States (CIS), is one of the more recent international agreements in the field of international humanitarian law to which Belarus has become a party. This Agreement does not regulate issues concerning the special protection of individual population categories, but reinforces the general principles for protection of victims of armed conflict under the Geneva Conventions.

2. It should be noted that Belarus does not currently possess a comprehensive law covering the protection of all population sectors during armed conflict. Provisions dealing with this issue are to be found only in legislation regulating the status of individual population categories. Thus, the Act on the Rights of the Child stipulates that refugee children who have lost their homes or property during military action or armed conflict in national or other territories are entitled to protection of their

interests. Local executive and legal authorities where the child is located take action to trace the parents or relatives, provide material, medical and other assistance and refer the child to a medical or health facility, residential home or other educational/childcare institution where necessary (article 34).

3. Article 33 of the Act on the Rights of the Child prohibits the recruitment of children to participate in military action or armed conflict and the establishment of military units involving children. Individuals may be called up on short notice to serve in the armed forces or other military units of the Belarus only once they have reached the age of 18 years.

4. The activities of the Council of Ministers Commission on the Implementation of international humanitarian law (the Commission) include organizing and conducting seminars on issues relating to international humanitarian law.

5. On 29 April 2002, the Commission, the International Committee of the Red Cross (ICRC) regional delegation in Kiev and the Belarusian Ministry of Education conducted a seminar for teachers of international humanitarian law on the dissemination of international humanitarian law and the problems of teaching it in Belarus. At the close of the seminar, it was recommended that a course on international humanitarian law should be included in the curriculum of the specialty of jurisprudence, that it should be compulsory in military schools and in training institutes run by the Ministry of the Interior, and that greater latitude should be given to the institutions of higher learning to prepare study programmes and reorient their specialized courses. The Commission requested the Ministry of Education to approve those recommendations.

6. On 23 January 2003, the Commission held an international seminar on the suppression of war crimes, mainly for the purpose of exchanging experience on the enforcement of national legislation for the suppression of war crimes in other States and informing the judges and law enforcement officials about the judicial practice of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, given that Belarus lacks experience with such courts. In addition to judges and law enforcement officials, experts from the Russian Federation, Canada and Belgium with direct experience in the matter, representatives of Belarusian State University and the Institute for Judicial Retraining and Skills Development, staff of the public prosecutor's office and judicial officials were invited to take part in the seminar.

7. At its meeting on 25 April 2003, the Commission adopted a decision on incorporating the study of international humanitarian law into the curricula of the specialties of jurisprudence, journalism and international relations. The Commission also proposed that the Ministry of Health should make the study of international humanitarian law part of the medical curriculum.

8. The Belarusian armed forces have had a Legal Service since 1992, and a significant number of agencies, divisions and organizations of the Ministry of Defence now have qualified military lawyers. In accordance with Ministry of Defence Order No. 590 on measures for the study of the four Geneva Conventions of 1949 and the Additional Protocols of 1977, officers of the Legal Service of the Belarusian armed forces shall act as legal advisers pursuant to article 82 of Protocol I.

Brunei Darussalam

[Original: English]
[1 July 2004]

1. Currently, there are no laws or regulations enforcing the Geneva Conventions and the Additional Protocols. However, the Brunei Darussalam Attorney General's Chambers have taken a proactive initiative by preparing a draft "enabling law", entitled "Draft Geneva Convention Order". The draft is still under serious consideration.

2. The International Committee on the Red Cross (ICRC) had established the Advisory Service on International Humanitarian Law, and the Attorney General's Chambers has good relations with the Advisory Services, based in Kuala Lumpur, Malaysia, particularly on matters relating to laws and preparation of "model" laws in enforcing such international humanitarian law conventions or treaties, in which Brunei Darussalam participates.

Canada

[Original: English]
[13 July 2004]

Canadian National Committee for Humanitarian Law (the Committee)

1. The mandate of the Canadian National Committee for Humanitarian Law is to facilitate the implementation of international humanitarian law in Canada, including the Geneva Conventions and the Additional Protocols. The objectives of the Committee are as follows:

- Monitoring the implementation of Canada's international obligations with respect to international humanitarian law;
- Strengthening cooperation within the international humanitarian law community by developing, inter alia, outreach programmes;
- Promoting the development and dissemination of international humanitarian law; and,
- Training in international humanitarian law.

2. Key initiatives during 2002-2004 include the development of a Committee web site (to be launched on 1 July 2004) and the maintenance of a list of international humanitarian law resource personnel (including academics, government officials and others), which will help expand knowledge of international humanitarian law in Canada.

3. In August 2003, two members of the Canadian Committee attended an ICRC-sponsored meeting of the National Commissions of International Humanitarian Law of the Americas. The Government of Canada contributed $15,000 in support of the meeting.

Canadian efforts to protect civilians

4. Canada has made the protection of civilians a central component of its foreign policy response to countries heading towards and in the midst of crisis. A key tenet

of this policy is promoting respect for international humanitarian law. Canada has supported international responses to both emergent and protracted humanitarian emergencies and the development and promotion of tools, strategies and guidelines that can help direct international responses to maximize the protection of civilians. Since 1999, Canada has provided close to $800 million in protection and assistance for crisis-affected populations, in addition to diplomatic and other initiatives.

5. Since 2002, Canada has focused on making further progress within the Security Council, inter alia, by supporting a series of workshops with Member States in New York and promoting the development of practical strategies for enhancing civilian protection by international and regional organizations and civil society actors in the field, via workshops, training manuals and field guidelines. For instance, Canada funded two United Nations Office for the Coordination of Humanitarian Affairs regional meetings on civilian protection, in South Africa in October 2002 and Mexico in March 2004. In March 2002, Canada supported a meeting organized by the African Parliamentary Union (APU) and ICRC on the protection of civilians in armed conflict and international humanitarian law, involving some 250 African parliamentarians in Niger. This was complemented by Canadian support for the recent June 2004 APU/Office of the United Nations High Commissioner for Refugees regional parliamentary conference on refugees in Africa, held in Benin, which resulted in the Cotonou Declaration and Programme of Action. In February 2004, Canada, in partnership with the African Union, helped create a new African Union special representative on the protection of civilians.

6. Canada has also actively promoted a range of specific activities under the protection of civilians rubric, including on the humanitarian impact of sanctions, impunity and international humanitarian law, access and safety of aid workers, insecurity in refugee camps, landmines and economic agendas in civil wars, internally displaced persons, sexual exploitation and violence and war-affected children.

International humanitarian law and the Canadian Forces

7. Canadian Forces personnel, both officers and non-commissioned members, receive primary international humanitarian law training during basic training. Certain military occupational classifications, particularly the medical, military police, intelligence and legal branches, receive international humanitarian law training specific to those classifications. Intermediate and advanced level international humanitarian law training is also given to certain Canadian Forces members in accordance with their ranks and responsibilities. For example, a full week of international humanitarian law training is incorporated into the curriculum of the command and staff course offered at the Canadian Forces College. Similarly, courses in international humanitarian law are offered to officer cadets attending the Royal Military College. Secondary international humanitarian law training is also given to all Canadian Forces members prior to all international operational deployments.

8. Canadian Forces experts and counsellors on international humanitarian law and legal officers serving in the Office of the Judge Advocate General provide legal advice on international humanitarian law to Canadian Forces commanders and staff officers at the strategic, operational and tactical levels and provide secondary international humanitarian law training to Canadian Forces officers and non-commissioned members, in accordance with article 82 of Additional Protocol I. All

Canadian Forces operational plans are reviewed to ensure consistency with international humanitarian law.

Canadian activities related to women affected by armed conflict

9. In efforts to implement obligations under Security Council resolution 1325 (2000), Canada and the United Kingdom developed a gender training initiative for military and civilian personnel involved in peace support operations. The initiative provides material for a three-day course on gender sensitization, complete with thematic overview and geographic case studies; it was piloted for a Canadian mixed military and civilian audience in the second quarter of 2002 and has since been used by the United Nations in the development of their own standard training modules for peacekeepers.

Costa Rica

[Original: Spanish]
[27 April 2004]

1. In the area of the dissemination and teaching of international humanitarian law, the Government of Costa Rica several months ago established, by means of an executive decree, a permanent Chair in honour of Sergio Vieira de Mello. The Chair, located at the Faculty of Law of the University of Costa Rica, has been named the Sergio Vieira de Mello Chair for the Protection of Persons in Situations of Armed Conflict and Displaced Persons. This initiative, co-sponsored by the Faculty of Law of the University of Costa Rica, the Office of the United Nations High Commissioner for Refugees and the Government of Costa Rica, is an important development in the area of the dissemination and teaching of international humanitarian law.

Croatia

[Original: English]
[13 July 2004]

1. As a country which has recently experienced the ravages of war, Croatia perceives international humanitarian law as reinforced protection of human rights in the event of armed conflict. Croatia continues to be in the mainstream of international humanitarian law, by following up regulatory practice in this area, welcoming new initiatives, condemning terrorism and advocating the policy of peace. Croatia has taken the steps to bring violators of international humanitarian law, in particular, violators of the Geneva Conventions of 1949 and the Additional Protocols of 1977, to justice, by including such violations in their criminal code.

2. Croatia has become a party to a majority of instruments related to international humanitarian law through succession. The provisions of the international conventions published in the official gazettes of the predecessor State are to apply, pending their publication in the Croatian language in the *Official Gazette: International Treaties*. The dissemination of knowledge of international humanitarian law has been envisaged in the national programme for youth, as well as in the draft of the national programme for human rights.

3. Croatia participated in the Twenty-eighth International Conference of the Red Cross, held in Geneva in December 2003, and made pledges, including to support the preparation and completion of the study on international humanitarian law. Furthermore, Croatian representatives attended the first world meeting of representatives of national committees on international humanitarian law, held in Geneva in March 2002, and took an active part within its working group. In December 2002, in Cavtat, Croatia, the Croatian National Committee organized an international meeting of representatives of national committees in the region with an aim to discuss humanitarian issues of mutual interest, such as the Schengen border and asylum question. Representatives of the Croatian National Committee also actively participated in many other meetings, including the first and second regional meetings of national committees of international humanitarian law, held, respectively, in Ljubljana in 2003 and Bratislava in 2004, and the second regional seminar for legal advisers of international humanitarian law, held in Prague in 2003.

Finland

[Original: English]
[30 June 2004]

1. The Ministry for Foreign Affairs, together with the Foreign Relations Committee of Parliament and the Finnish Red Cross, organized an international seminar in November 2003 in relation to the themes of the Twenty-eighth International Conference of the Red Cross and Red Crescent, on the theme "Protection of victims of armed conflict and violence: whose responsibility?" Participants to the seminar included representatives of the Government, Parliament, armed forces, the diplomatic community, media, humanitarian organizations and academia. The seminar topics dealt with a variety of humanitarian issues, such as the protection of civilians in crisis management operations and the feasibility of laying down criteria for humanitarian intervention.

2. The National Committee on International Humanitarian Law was actively involved in the preparations for the Conference. Finland made specific pledges in the Conference. Together with the other European Union Member States, Finland pledged to promote respect for international humanitarian law in peacekeeping operations, to support the effective functioning of the International Criminal Court and to raise public awareness in relation to international humanitarian law.

3. Finland also made joint pledges together with the other four Nordic countries on promotion of international humanitarian law, as one the criteria on which arms transfer decisions are made. Finland further pledged together with Sweden and Switzerland to initiate and support an international process of discussions, aiming to develop a shared understanding of how international humanitarian law should be applied to computer network attacks during armed conflict.

4. In addition to the activities organized or supported by the Ministry for Foreign Affairs, other institutions, such as the Finnish Red Cross, the Institute for Human Rights of the Åbo Akademi University and the Erik Castrén Institute of International Law and Human Rights of the University of Helsinki have organized courses and seminars and issued publications related to international humanitarian law within their fields of activity. Furthermore, the law faculties at the University of Helsinki, University of Lapland, University of Turku and the Institute for Human

Rights of the Åbo Akademi University provide courses, which address various issues relating to international humanitarian law.

5. Finland has submitted information on the national implementation of international humanitarian law to the International Committee of the Red Cross web page. Further details can be found there.

Germany

[Original: English]
[8 July 2004]

1. The Federal Ministry of Defense is responsible for the implementation of the norms of international humanitarian law within the German Armed Forces, the Bundeswehr. As provided for by the Law governing the Legal Status of Soldiers, instruction in international humanitarian law, and other international regulations, agreements and commitments, constitutes part of the training programmes for all military personnel in the German Armed Forces. Courses are held by legal advisers, teachers of law and the superior officers.

2. The Academy for Leadership of the Bundeswehr, the Leadership Development and Civic Education Centre, the German Academy for Defense Administration and Defense Technology, the Naval Operations School and the Fleet Command offer a variety of courses for legal advisers, teachers of law and field-grade officers on subjects dealing with international law, in particular international humanitarian law.

3. In addition to this, legal advisers and teachers of law have the opportunity to improve their knowledge of international law in a tailor-made tactics training course offered by the Army Officer School and by participating in training courses and seminars and extension courses in Germany and abroad.

4. Units selected for operations abroad receive additional training with legal components directly related to their mission and their operational area.

Kyrgyzstan

[Original: Russian]
[4 August 2004]

1. Beginning in 2004, resource centres on international humanitarian law will be established at the Kyrgyz Academy of Education, as well as at a number of higher educational establishments in Kyrgyzstan that will enhance the dissemination of knowledge of international humanitarian law.

2. In March 2004, the heads of the Ministry of Education of Kyrgyzstan, of the International Red Cross in Central Asia and of the National Red Crescent Society signed an agreement on further measures to organize the teaching of international humanitarian law in secondary schools and higher educational establishments in the Kyrgyz Republic in order to make provision for the training of professionals in international humanitarian law.

3. In April 2004, a seminar was held on the theme "International humanitarian law, human rights law and law enforcement activities" for law enforcement officials of Kyrgyzstan.

4. In June 2004, delegations from the armed forces institutions of Kyrgyzstan took part in the "Al-Farabi-2" competition on the law of armed conflict, with another competition scheduled, for a later date, for cadets of educational establishments of the ministries of defence and internal affairs in the Central Asian republics. Moreover, in September 2004, representatives of Kyrgyzstan will play an active part in the classes on international humanitarian law and human rights law to be held in Moscow.

Lao People's Democratic Republic

[Original: English]
[30 June 2004]

1. The Geneva Conventions of 1949 and the Additional Protocols of 1977 have been translated into the Lao language and will be soon disseminated.

2. Sponsored by the Asia-Pacific regional office of the International Committee of the Red Cross, a seminar has been organized for individuals, including members of the armed services, on principles of international humanitarian law, including the protection of victims of armed conflicts. Forty participants have attended the seminar.

3. The Government will take necessary measures to ensure that laws and regulations are made to protect the Red Cross symbol.

Namibia

[Original: English]
[26 April 2004]

1. In today's world of many conflicts, Namibia attaches great importance to international humanitarian law, the main purpose of which is to safeguard human dignity in all circumstances. In the light of this, the Parliament of Namibia passed the Geneva Conventions Act, 2003 (Act No. 15 of 2003). On 28 November 2003, the President of Namibia signed it into law and, on 18 December 2003, it was published in the Government Gazette in accordance with Article 56(1) of the Namibian Constitution.

2. The Geneva Conventions Act, 2003 gives effect to the Conventions of 1949 and the Additional Protocols of 1977 and provides for matters relating thereto. The Act criminalizes all grave breaches of the Geneva Conventions and Protocol I.

3. Namibia has established an Interministerial Committee on Human Rights and Humanitarian Law. This Committee has a subcommittee which deals specifically with humanitarian law. The Minister of Defence issued a directive that directs that the dissemination of international humanitarian law be made a priority in the Namibian Defence Force. At the end of January 2004, with the assistance of the International Committee of the Red Cross, 40 instructors were trained at the Military School.

Paraguay

[Original: Spanish]
[23 June 2004]

1. On 23 April 2004, Act No. 2365/04 was promulgated to amend Act No. 993 of 6 August 1928, prohibiting the use of the name, distinctive sign and emblem of the Red Cross. The earlier Act was no longer adequate in the light of subsequent provisions of international humanitarian law as contained in the Geneva Conventions of 1949 and Additional Protocols of 1977, to which Paraguay is a party. The present Act designates the Ministry of Defence as the institution responsible for monitoring the use of the indicative and protective emblem of the Red Cross and Red Crescent both in peacetime and in the event of armed conflict, and further provides for penalties for improper use of the emblem.

2. International humanitarian law is now a required subject for the armed forces, and a required examination topic for members of the armed forces seeking promotion to higher grades. Talks and meetings on international humanitarian law are held periodically for members of the armed forces and members of peacekeeping contingents. A seminar/workshop on international humanitarian law for military justice officers has been organized by the Directorate of Human Rights and International Humanitarian Law under the auspices of the Supreme Court of Military Justice.

Republic of Korea[4]

[Original: English]
[8 July 2004]

1. The Government of the Republic of Korea established the Korean National Committee for International Humanitarian Law on 17 October 2002. The Korean National Committee was established under the aegis of the Ministry of Foreign Affairs and Trade to recommend and advise on measures for implementation and dissemination of international humanitarian law. The Committee is composed of officials from the Ministry of Foreign Affairs and Trade, the Ministry of Education and Human Resources Development, the Ministry of Justice, the Ministry of National Defense, the Cultural Properties Administration, the Korean National Red Cross and university professors specializing in international humanitarian law. The Committee is mandated to carry out such activities as making recommendations relating to measures to implement international humanitarian law, ratification of relevant treaties and adoption of new legislation or amendments to accommodate obligations under international humanitarian law treaties; providing relevant education at military academies and universities, as well as to the general public; interpretation and application of international humanitarian law principles; and cooperation with the International Committee of the Red Cross and national committees in other countries.

2. The Government of the Republic of Korea has a study under way to examine its domestic laws and regulations with a view to ensuring faithful implementation of the four Geneva Conventions of 1949 and the two Additional Protocols of 1977 to which the Republic of Korea is party.

Senegal

[Original: French]
[9 July 2004]

1. Measures undertaken by the Government are aimed, in particular, at strengthening the existing body of rules comprising international humanitarian law, in order to ensure its dissemination and full implementation at the national level.

2. Having ratified most of the instruments relating to international humanitarian law, the Government is making every effort to translate these international commitments into action. Hence, Senegal has integrated modules covering international humanitarian law instruments into the training programmes of troop unit training centres and military schools.

Sweden

[Original: English]
[21 June 2004]

1. Sweden continues to devote important efforts to strengthening the implementation of international humanitarian law and the protection of victims of armed conflict. It attaches great importance to the dissemination of the rules laid down in the Geneva Conventions of 1949 and the Additional Protocols of 1977. New texts in Swedish, English and French of the Geneva Conventions and the Additional Protocols have recently been printed and distributed in Sweden and to the Swedish representatives abroad.

2. Sweden actively promotes respect for international humanitarian law in connection with crises management operations under the aegis of the European Union. This includes observations that rules of engagement and other guiding texts are in line with international humanitarian law, in particular regarding the issue of children in armed conflict.

Tunisia

[Original: Arabic]
[4 August 2004]

1. The Government has adopted legislation in this area, including the National Service Act No. 1 of 2004, wherein, under article 1, the minimum age for the performance of national service was established at 20 years, which is consistent with the recommendations contained in article 77 of Protocol I Additional to the Geneva Conventions of 1949.

2. Regarding the dissemination of international humanitarian law, the subject is included in the curriculum of all military higher educational institutions, as well as at the school for non-commissioned officers and the school for sergeants. Furthermore, military personnel take part in seminars held in other countries on the subject of international humanitarian law. National and regional symposia are also organized in conjunction with the International Committee of the Red Cross, in order to study and discuss the latest developments in international humanitarian law.

United Kingdom

[Original: English]
[25 June 2004]

1. On 22 November 2002, the United Kingdom Interdepartmental Committee for International Humanitarian Law in conjunction with the British Red Cross Society organized a conference on the relevance of the 1977 Additional Protocols, to mark the twenty-fifth anniversary of their adoption. This included a presentation and discussion of the International Humanitarian Fact-Finding Commission and ways to encourage its use.

2. Since the United Kingdom's ratification on 28 January 1998 of the First Additional Protocol I to the 1949 Geneva Conventions, the Government has been conducting formal weapons reviews in accordance with article 36 of that Protocol. Since 2002, a dedicated tri-service team specifically tasked with conducting such reviews has been formed at the United Kingdom Joint Doctrine and Concepts Centre.

3. The United Kingdom Interdepartmental Committee for International Humanitarian Law met on 9 October 2002 and 16 October 2003. Dissemination and training were among the matters discussed.

4. The Foreign and Commonwealth Office, in conjunction with the United Kingdom Interdepartmental Committee for International Humanitarian Law and the British Red Cross Society, initiated in July 2002, a specific training course for civil servants on international humanitarian law. This course was repeated in March 2003 and March 2004. Such training directly responds to the Government's obligations to ensure that any civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the 1949 Geneva Conventions and their 1977 Additional Protocols shall be fully acquainted with their texts.

5. The Foreign and Commonwealth Office organized, jointly with the British Red Cross Society, a Commonwealth Red Cross and Red Crescent Conference on international humanitarian law in February 2003 on the theme "Working in partnership". Delegations from the Governments and the National Red Cross and National Red Crescent Societies of most Commonwealth States attended that Conference. The Conference promoted ratifications of international humanitarian law treaties, including the 1977 Additional Protocols, and discussed practical measures for their effective dissemination and implementation.

6. The United Kingdom Joint Services' Manual on the Law of Armed Conflict was published in July 2004. This is a comprehensive text which sets out the United Kingdom interpretation of *jus in bello* and which supersedes previous British Army manuals and similar guidance for the Royal Navy and the Royal Air Force.

III. Information received from international organizations

International Committee of the Red Cross

[Original: English]
[18 June 2004]

1. The protection of war victims is largely dependent on respect for international humanitarian law. In accordance with the mandate conferred on it by the international community, ICRC strives to promote compliance with this body of law and to contribute to its development. Both at headquarters and in the field, ICRC encourages States to become parties to the various humanitarian instruments and to implement them. The ICRC Advisory Service on International Humanitarian Law provides States with technical advice to help them adopt the required national measures.

Measures taken at the international level to strengthen the existing body of international humanitarian law

2. In September 2002, ICRC launched a rare public appeal to Governments, scientists and industry on the theme "biotechnology, weapons and humanity", reflecting its concern that while advances in the life sciences are potentially of great benefit to mankind, they also carry enormous risks when turned to hostile use. The appeal and its follow-up activities were designed to promote awareness of the laws, both national and international, prohibiting poisoning and the deliberate spread of disease and at the same time draw attention to the duty of all those involved in the life sciences to take practical steps to ensure that these laws were respected.

3. At the end of 2002, ICRC launched a project on the reaffirmation and development of international humanitarian law. The aim was to provide a framework for internal discussions and external consultations on current and emerging issues of international humanitarian law, including its applicability to the fight against terrorism. As part of the project, a series of expert meetings were organized in 2003, including five regional seminars on the theme "Improving compliance with international humanitarian law", which were held between April and September in cooperation with other institutions and organizations. The wealth of ideas and proposals put forward during the discussions provided a sound basis for further work on improving compliance with international humanitarian law.

4. Both in 2003 and 2004, ICRC took part in ongoing negotiations and discussions on the drafting of a legally binding instrument to protect people from enforced disappearance. In previous years, it has also taken part in discussions on the drafting of basic principles governing reparations for victims of violations of human rights and international humanitarian law.

5. Of particular significance during the year 2003 was the adoption of two key documents by the Twenty-eighth International Conference of the Red Cross and Red Crescent, held in Geneva in December 2003. The first, a declaration entitled "Protecting human dignity", clearly reaffirms the relevance of international humanitarian law in today's armed conflicts and reiterates the obligation of all parties to fully comply with its rules. The second document, entitled "Agenda for humanitarian action", addresses, among other concerns, the issue of persons missing in connection with armed conflicts and other situations of violence and the need to

reduce the human suffering resulting from the availability, use and misuse of weapons.

6. At the Twenty-eighth International Conference, States parties to the 1949 Geneva Conventions, the components of the International Red Cross and Red Crescent Movement and participants with observer status were given a second opportunity to make pledges translating their good will into specific humanitarian commitments. Many of the pledges made by Governments relate to the ratification of treaties, the adoption of national implementation measures or the creation of a national committee on international humanitarian law. ICRC noted that some of these pledges have already been fulfilled and that others are on their way to being honoured.

Dissemination

7. In its contacts with government representatives and other authorities, ICRC has continued to recommend participation in existing treaties of international humanitarian law and also to promote the dissemination of the law and its full implementation at national level.

8. ICRC delegates at headquarters and in the field have remained very active in their efforts to promote the dissemination of international humanitarian law. ICRC legal experts have attended numerous conferences and seminars, while continuing to provide a range of international and national institutions and organizations with expertise on various topics of humanitarian law. The primary aim of these activities was to promote the law and to stress the relevance of its provisions and the need for national implementation.

9. ICRC regularly conducts information campaigns for audiences as varied as military personnel, members of national Red Cross and Red Crescent societies, government staff, school children, students and teachers, health-care workers, media representatives and the general public. Activities to promote awareness of humanitarian law have intensified and become more diverse. In the past years, dissemination material aimed at specific audiences has been developed or updated, translated into numerous languages, promoted and distributed.

Legal and technical assistance

10. For international humanitarian law to be fully respected, it is of paramount importance that States adopt domestic legislation to implement its rules. ICRC, through its Advisory Service, is committed to helping national authorities adopt and implement the legislative, regulatory and administrative measures required to ensure respect for the law at the national level.

11. The Advisory Service has provided technical assistance to many States. Among other things, it has given advice concerning ratification of the two Additional Protocols of 1977 and the drafting of implementing legislation for the Geneva Conventions and their Protocols. It has also provided assistance in amending or adopting new legislation on the repression of war crimes.

Support to national committees on international humanitarian law

12. A considerable amount of work has been done throughout the world by national committees on international humanitarian law. As advisers to their Governments, national committees can take action to bring about the conditions required for compliance with the law, which begins with preparatory work at the national level. The number of national committees has continued to increase, reaching 67 at the end of May 2004.

13. To help increase the effectiveness of national committees, the Advisory Service has produced specific documents and tools. For instance, it has drafted detailed guidelines to facilitate their work that were included in the report of a meeting of representatives of national committees held in 2002. In 2003, to foster the exchange of information and experience while strengthening contacts between the national committees, it launched an electronic forum allowing interactive discussion and providing access to relevant documents.

14. In addition, regional meetings of national committees have continued to be organized by or in cooperation with ICRC in many countries.

National and regional events

15. The Advisory Service of ICRC has organized and taken part in a number of workshops, discussion groups and seminars, held at national and regional levels, to promote the broadest possible debate on subjects relating to the ratification of international humanitarian law treaties and their national implementation. By attending such events, national authorities can become more familiar with specific topics related to international humanitarian law. They also have the opportunity to exchange views and compare their respective approaches to national implementation. States are also encouraged and helped to give the best possible follow-up to the conclusions reached or recommendations made during these meetings.

Contacts and work with other organizations

16. Taking their respective scopes of activity and mandates into account, ICRC works together with other organizations to create the best possible synergies, raise awareness of international humanitarian law issues among their member States and achieve shared goals of ratification and national implementation. It has cooperated to this end with international organizations such as the United Nations, the Organization of American States, the League of Arab States, the Economic Community of West African States, the Asian-African Legal Consultative Organization, the Council of Europe, the European Union, the United Nations Educational, Scientific and Cultural Organization and the Organization for the Prohibition of Chemical Weapons.

17. To the same end, contacts have been maintained or strengthened with other bodies such as the International Criminal Court, the Inter-American Court of Human Rights, the African Commission on Human and Peoples' Rights, the Inter-Parliamentary Union, the African Parliamentary Union and the Commonwealth Secretariat. In order to coordinate efforts to promote certain treaties relating to international humanitarian law, the Advisory Service has also been in contact with such organizations as the Coalition for the International Criminal Court and

organizations active in matters relating to the use of chemical or biological weapons.

Support documents and tools

18. To encourage States in their implementing efforts, the Advisory Service has continued to collect, analyse and make available legislation adopted by States and to produce specialized documents. It has updated and added to its series of fact sheets, prepared new model legislation, worked on the publication of a manual on national implementation of international humanitarian law and launched an electronic forum for national committees on international humanitarian law.

Conclusion

19. Participation in international treaties is essential, but it is merely the first step. States Parties to international humanitarian law treaties have a legally binding commitment to adopt national implementation measures and, specifically, national legislation, so as to be in a position to respect and ensure respect for the law in all circumstances. The implementation and dissemination of humanitarian law at the national level is an ongoing task, and sustained and increased commitment from Governments will be needed to ensure that the law is better respected.

Notes

[1] The replies of Japan and Portugal dealt solely with their participation in the Additional Protocols. This information is included in the annex, and no extracts from their reports appear in section II.

[2] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[3] Ibid, vol. 75, Nos. 970-973.

[4] The reply of Republic of Korea, dated 23 October 2002, was submitted pursuant to the previous General Assembly resolution (resolution 55/144), but was received after preparation of the previous report of the Secretary-General (A/57/164) and dealt with the forthcoming establishment of the Korean National Committee for International Humanitarian Law.

Annex

List of States parties to the Protocols Additional to the Geneva Conventions of 1949 as at 2 June 2004[a]

State	*Date of ratification, accession or succession*
Albania	16 July 1993
Algeria (Protocol I only)[b,c]	16 August 1989
Angola (Protocol I only)[b]	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina[b,c]	26 November 1986
Armenia	7 June 1993
Australia (Protocol I only)[b,c]	21 June 1991
Austria[b,c]	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belarus[c]	23 October 1989
Belgium (Protocol I only)[b,c]	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia[c]	8 December 1983
Bosnia and Herzegovina[c]	31 December 1992
Botswana	23 May 1979
Brazil[c]	5 May 1992
Brunei Darussalam	14 October 1991
Bulgaria[c]	26 September 1989
Burkina Faso	20 October 1987
Burundi	10 June 1993
Cambodia	14 January 1998

State	Date of ratification, accession or succession
Cameroon	16 March 1984
Canada[b,c]	20 November 1990
Cape Verde[c]	16 March 1995
Central African Republic	17 July 1984
Chad	17 January 1997
Chile[c]	24 April 1991
China (Protocol I only)[b]	14 September 1983
Colombia (Protocol I)[c]	1 September 1993
(Protocol II)	14 August 1995
Comoros	21 November 1985
Congo	10 November 1983
Cook Islands[c]	7 May 2002
Costa Rica[c]	15 December 1983
Côte d'Ivoire	20 September 1989
Croatia[c]	11 May 1992
Cuba (Protocol I)	25 November 1982
(Protocol II)	23 June 1999
Cyprus (Protocol I)[c]	1 June 1979
(Protocol II)	18 March 1996
Czech Republic[c]	5 February 1993
Democratic People's Republic of Korea (Protocol I only)	9 March 1988
Democratic Republic of the Congo (Protocol I)[c]	3 June 1982
(Protocol II)	12 December 2002
Denmark (Protocol I only)[b,c]	17 June 1982
Djibouti	8 April 1991
Dominica	25 April 1996
Dominican Republic	26 May 1994
Ecuador	10 April 1979
Egypt[b]	9 October 1992

State	Date of ratification, accession or succession
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Estonia	18 January 1993
Ethiopia	8 April 1994
Finland (Protocol I only)[b,c]	7 August 1980
France (Protocol I)[b]	11 April 2001
(Protocol II)[b]	24 February 1984
Gabon	8 April 1980
Gambia	12 January 1989
Georgia	14 September 1993
Germany[b,c]	14 February 1991
Ghana	28 February 1978
Greece (Protocol I)[c]	31 March 1989
(Protocol II)	15 February 1993
Grenada	23 September 1998
Guatemala	19 October 1987
Guinea[c]	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See[b]	21 November 1985
Honduras	16 February 1995
Hungary[c]	12 April 1989
Iceland (Protocol I only)[b,c]	10 April 1987
Ireland[b,c]	19 May 1999
Italy (Protocol I only)[b,c]	27 February 1986
Jamaica	29 July 1986
Jordan	1 May 1979
Kazakhstan	5 May 1992
Kenya	23 February 1999

State	Date of ratification, accession or succession
Kuwait	17 January 1985
Kyrgyzstan	18 September 1992
Lao People's Democratic Republic[c]	18 November 1980
Latvia	24 December 1991
Lebanon	23 July 1997
Lesotho	20 May 1994
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Liechtenstein[b,c]	10 August 1989
Lithuania[c]	13 July 2000
Luxembourg[c]	29 August 1989
Madagascar[c]	8 May 1992
Malawi	7 October 1991
Maldives	3 September 1991
Mali[c]	8 February 1989
Malta[b,c]	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Micronesia (Federated States of)	19 September 1995
Monaco	7 January 2000
Mongolia (Protocol I only)[b,c]	6 December 1995
Mozambique (Protocol I)	14 March 1983
(Protocol II)	12 November 2002
Namibia[c]	17 June 1994
Netherlands (Protocol I only)[b,c]	26 June 1987
New Zealand (Protocol I only)[b,c]	8 February 1988
Nicaragua	19 July 1999

State	Date of ratification, accession or succession
Niger	8 June 1979
Nigeria	10 October 1988
Norway[c]	14 December 1981
Oman[b]	29 March 1984
Palau	25 June 1996
Panama[c]	18 September 1995
Paraguay[c]	30 November 1990
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Poland[c]	23 October 1991
Portugal[c]	27 May 1992
Qatar (Protocol I only)[b,c]	5 April 1988
Republic of Korea (Protocol I only)[b, c]	15 January 1982
Republic of Moldova	24 May 1993
Romania[c]	21 June 1990
Russian Federation[b,c]	29 September 1989
Rwanda[c]	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
San Marino	5 April 1994
Sao Tome and Principe	5 July 1996
Saudi Arabia (Protocol I)[b]	21 August 1987
(Protocol II)	28 November 2001
Senegal	7 May 1985
Seychelles[c]	8 November 1984
Sierra Leone	21 October 1986

State	*Date of ratification, accession or succession*
Slovakia[c]	2 April 1993
Slovenia[c]	26 March 1992
Solomon Islands	19 September 1988
South Africa	21 November 1995
Spain (Protocol I only)[b,c]	21 April 1989
Suriname	16 December 1985
Swaziland	2 November 1995
Sweden (Protocol I only)[b,c]	31 August 1979
Switzerland (Protocol I only)[b,c]	17 February 1982
Syrian Arab Republic (Protocol I only)[b]	14 November 1983
Tajikistan[c]	13 January 1993
The former Yugoslav Republic of Macedonia (Protocol I only)[b,c]	1 September 1993
Togo[c]	21 June 1984
Tonga[c]	20 January 2003
Trinidad and Tobago[c]	20 July 2001
Tunisia	9 August 1979
Turkmenistan	10 April 1992
Uganda	13 March 1991
Ukraine[c]	25 January 1990
United Arab Emirates[b,c]	9 March 1983
United Kingdom (Protocol I only)[b,c]	28 January 1998
United Republic of Tanzania	15 February 1983
Uruguay[c]	13 December 1985
Uzbekistan	8 October 1993
Vanuatu	28 February 1985
Venezuela	23 July 1998
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990

State	Date of ratification, accession or succession
Yugoslavia[c]	16 October 2001
Zambia	4 May 1995
Zimbabwe	19 October 1992

[a] Information was taken from the International Committee of the Red Cross web site, which is based on information received from the Depositary of the Geneva Conventions and Additional Protocols, i.e., the Swiss Federal Department of Foreign Affairs in Bern.
[b] Ratification, accession or succession accompanied by a reservation and/or a declaration.
[c] Party which has made the declaration provided for under article 90 of Protocol I.

United Nations A/59/322

General Assembly

Distr.: General
2 September 2004
English
Original: Spanish

Fifty-ninth session
Item 25 of the provisional agenda*
Implementation of the resolutions of the United Nations

Letter dated 1 September 2004 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you of Paraguay's position on the request for the inclusion of a supplementary item in the agenda of the fifty-ninth session of the General Assembly entitled "Question of the representation of the twenty-three million people of Taiwan in the United Nations" submitted by a number of States Members of the Organization, and contained in document A/59/194, of 10 August 2004.

1. The Republic of Paraguay maintains full diplomatic, commercial and cultural relations with the Republic of China (Taiwan), values those relations, and respects the progress made by Taiwan in all areas, especially in the economic and commercial sphere.

2. In view of the principle of universality enshrined in the Charter of the United Nations and the attributes of statehood, as well as other essential circumstances, Paraguay believes that the international community cannot fail to consider the proposal in question, which reflects the aspirations of the 23 million people of Taiwan, as it would for any other State which met the requirements laid down in the Charter of the United Nations. In line with this policy, Paraguay supported the admission to the World Trade Organization of both the People's Republic of China and the Republic of China (Taiwan).

3. Paraguay, as a founding Member of an Organization which is making constant efforts to prevent and resolve the conflicts that beset various parts of the world and needs the participation of all States, and considering the recent changes which have taken place at the international level, such as those arising from the globalization process, believes that there are sufficient grounds to admit to the Organization those States which, through their actions at the international level, effectively demonstrate their desire to participate in and contribute to the common efforts to advance the purposes and principles of the United Nations.

* A/59/150.

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4. The Government of Paraguay confirms that the foregoing is consistent with its foreign policy on this matter and it therefore supports the request made.

Lastly, I should like to request that this letter be circulated as a document of the fifty-ninth session of the General Assembly, in relation to the request for the inclusion of the "Question of the representation of the twenty-three million people of Taiwan in the United Nations" as a supplementary item in the provisional agenda.

(*Signed*) Eladio **Loizaga**
Ambassador
Permanent Representative